

# **Personal Privacy Impact Evaluation for the Use of Automated License Plate Readers (ALPR) for Public Safety in Alameda, California**

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## **Introduction:**

The Alameda Police Department (APD), City of Alameda City Council, and City staff remain steadfast and committed to protecting the fundamental right of privacy. While recognizing that the use of emerging technology is essential to the effective delivery of municipal services, the policies of this City recognize that technological innovation cannot come at the expense of this cherished right.

The purpose of this report is to evaluate the potential privacy impacts with the use of Automated License Plate Readers (ALPR) by APD to enhance public safety in Alameda. This report identifies mitigations and actions that can and will be implemented to safeguard privacy while ensuring that APD has the very best tools at its disposal to protect and serve this community.

This report is modeled on a similar report prepared by the Alameda Department of Planning, Building, and Transportation. That report was modeled on a document prepared by the City of Oakland and guidance of Secure Justice, a non-profit organization based in Oakland. Secure Justice is a well-respected organization dedicated to ensuring the adoption of government policies, programs, and contracts that are consistent with democratic values and principles of human rights.

## **Automated License Plate Reader (ALPR) Technology: An Overview**

Automated License Plate Reader (ALPR) technology automates the processing of vehicle license plate information. ALPR uses specially-designed cameras to capture digital images from vehicles as they drive across the camera view. Optical character recognition technology then converts images of license plates into readable formats. This allow for and increases the efficiency of various public safety applications including case follow up, information matching, aggregation, and storage.

The technology transforms the images from the cameras into alphanumeric characters and stores the images, plate information, and related metadata into a confidential, restricted-access database. Once in the database, the technology is able to compare the license plate characters to databases of license plates of interest and archive photo evidence and metadata in support of investigations according to evidence retention standards consistent with City and State law. The technology also allows archiving of anonymous information about locations to support investigative interests.

The specific data types collected with ALPR technology include still images of vehicle license plates coupled with vehicle make, model, color, and type. This technology also captures metadata related to the images, including: time and date of image, location of image (GPS coordinates), and camera identification.

## **Proposed Use and Benefits of ALPR Technology in Alameda**

The APD propose the use of ALPR technology for public safety purposes throughout the City.

Staff expects the ALPR system to:

- Save staff time and taxpayer dollars in the ongoing effort to promote public safety;
- Increase the productivity of APD staff by not only automating the manual process of capturing license plate information but time-stamping the images to enhance, improve and expedite investigative analysis;
- More rapidly evaluate key data points in emergent situations to increase public awareness of vehicles of interest.

## **Potential Impacts of ALPR use on Civil Liberties and Privacy**

The City of Alameda and APD recognize and understand the privacy and civil-liberties related concerns expressed by some members of the public over APD's use of ALPR. APD intends to use this technology as an investigative tool to locate vehicles involved in a crime or to assist in locating missing persons not to generally track the movement of individuals. However, the public may be concerned that the collection and analysis of this information over time could potentially be abused or used to generate a detailed profile of an individual's movement.

Data scientists have shown they can accurately identify over 95% of individuals based 4 geospatial data points because human are creatures of habit, typically driving the same way to work, house of worship, and/or neighborhood grocery stores. This information can be valuable in identifying person(s) engaged in criminal activity. APD, however, acknowledges and recognizes that, without appropriate checks and balances, this information could negatively impact an individual's right to privacy. "Meta data" comprised of individual data points such as phone numbers or license plate numbers, like all data into today's hyper-connected world can be misused to erode privacy and other civil liberties.

Currently attempts to "de-identify" or anonymize data are lacking, due to modern day computing power and the sheer collection of data points available from public and private sources. Accordingly, APD will have strict use policies associated with ALPR and will hold violators and/or supervisors accountable for misuse.

APD recognizes that the specific potential impacts of the use of ALPR technology for public safety and enforcement on civil liberties and privacy, include:

Identity capture. The public may be concerned that ALPR will capture personally identifiable information without notice or consent. Although ALPR does not independently generate information that identifies vehicle occupants, license plate information can be used to determine the name of the vehicle's registered owner.

In addition, vehicle occupants or immediate surroundings (including addresses) could be captured by the technology. As a result, it is possible that individuals with access to this data could conduct additional research to identify the individual.

Misidentification. The public may be concerned that, if ALPR data is widely accessible and inaccurate, individuals may be misidentified as the person driving a vehicle that is engaged in

criminal activity. Misidentification could lead to improper enforcement actions against the individual.

Activity monitoring. The public may be concerned that ALPR data will enable individuals' behaviors to be revealed to and/or monitored by the City or other government agencies, their partners or affiliates, companies interested in targeted marketing, and/or the public. Such concerns may include basic information about when individuals are in certain locations, as well as concerns about what government or individuals may infer from this data (i.e. marital fidelity, religious observance, or political activity). Although ALPR data is gathered from public places, this could conflict with an individual's expectation of locational privacy.

## **Mitigations and Actions to Eliminate or Minimize the Risk of Impacts to Privacy and Civil Liberties**

In recognition of the potential risks, the City of Alameda will take the following steps to mitigate any perceived potential risk inherent in collecting this data.

### I. Overall Program Design Mitigations

- 1) APD will reduce the retention period from 6 months to 90 days and will only use ALPR technology according to the ALPR Use Policy as well as all applicable laws, policies and administrative instructions;
- 2) APD will not use or deploy ALPR technology in a manner that is discriminatory, viewpoint based, or biased via algorithm;
- 3) APD will maintain access and retention policies in line with industry standards and best practices.
- 4) APD will only use ALPR to support public safety interests and investigations and will require supervisory approval for access.
- 5) APD will conduct annual audits of ALPR data to ensure operators and administrators are following access, use, and retention policies;
- 6) APD will keep the public informed about changes that would significantly affect privacy, civil rights, or civil liberties and commits to formal City Council presentation and approval for any access, use, or retention policy modifications.

Response to Specific Potential Impacts Mitigation:

### II. Identity capture and/or activity monitoring mitigations.

- 1) APD will not use ALPR to collect any information that is not already captured manually;
- 2) APD will aim to limit ALPR camera views, to the extent possible, to avoid capturing the faces of vehicle occupants or identifiable details or immediate surroundings;
- 3) Where uninvolved personal identity information, such as faces and house numbers, is captured in still images that are retained for criminal investigations by the City or those acting on its behalf, that data will be obfuscated or cropped through technical means such that it is no longer identifiable or reasonably identifiable.

### III. Misidentification mitigations:

- 1) APD will restrict ALPR data access to registered users, who will be properly trained and will only be able to access the ALPR database through a password-protected system;

- 2) APD will conduct annual audits of ALPR data to ensure a reasonable standard of data accuracy and to verify that operators and administrators are following use policies;
- 3) APD will make all attempts to exclude vehicles that have been mistakenly identified by ALPR technology and will do so without unreasonable delay.

#### IV. Activity monitoring mitigations.

- 1) APD will not retain ALPR data beyond specified time periods.
- 2) APD will only use trained and registered users to access ALPR data.
- 3) APD will only use ALPR data only for public safety and case specific investigative purposes.
- 4) APD will ensure that data will not be disseminated for the purposes of immigration follow up, investigations, and/or enforcement.
- 5) APD will only share data with other local law enforcement agencies after determining their use policies align with APD's policies.

### **Track Record**

Similar to many cities throughout the State, APD has utilized ALPR technology for several years. Additionally, the Cities of Piedmont, Oakland, San Ramon, Danville, Richmond, San Jose, Hayward, San Leandro, Emeryville, Fremont, Berkeley, Fairfield, and Sacramento are users of this technology. The Alameda County Sheriff's Office and Contra Costa County Sheriff's Office are also users of this technology. APD is not aware of any privacy concerns associated with these agencies' use of ALPR technology.

### **Conclusions**

APD and the City of Alameda recognize the need and importance of preserving the civil liberties and privacy within our community and acknowledges the potential risks with using ALPR technology.

APD believes the risks to personal privacy and civil liberties posed by the use of ALPR can be effectively minimized or eliminated by the implementation of the mitigations recommended in this report. With the mitigations in place coupled with policy and accountability processes, APD is confident the community can achieve public safety benefits by using ALPR with minimal risk of loss of personal privacy or civil liberties.

Questions or comments concerning this draft Impact Assessment should be directed to Nishant Joshi, Police Chief via email at [njoshi@alamedaca.gov](mailto:njoshi@alamedaca.gov).